

TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

June 27, 2016

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes – 6/13/16 regular meeting
8. Interviews for the Board of Appeals and Planning
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

(060216-1) The Kittery Town Council moves to receive a presentation from the Town Manager, on the proposal for Sewer Betterment Assessment Plan.

10. PUBLIC HEARINGS
11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS
13. NEW BUSINESS

- a. Donations/gifts received for Council disposition

• (060216-2) The Kittery Town Council moves to accept donations from Kenneth Bonnell, Donald & Nicole Kerr and the Kittery Maine Improvement Fund in the amount of \$460.00 for the Thresher Memorial Fund.

• (060216-3) The Kittery Town Council moves to accept a donation of a small refrigerator from Richard Brooks to be used at the Gate House at Fort Foster.

b. (060216-4) The Kittery Town Council moves to approve the disbursement warrants

c. (060216-5) The Kittery Town Council moves to schedule a public hearing on July 11, 2016 on proposed amendments to Title 13 of the Kittery Town Code.

d. (060216-6) The Kittery Town Council moves to approve an extension of the service area of the premises externally on the current liquor license for The Lobster Pot, from 2:00pm – 10:00pm for the a Maine Lobster Clambake & Outdoor BBQ for the following weekend dates – July 16th & 17th; July 30th & 31st; August 13th & 14th; August 27th & 28th and September 3rd & 4th

e. (060216-7) The Kittery Town Council moves to sign a Release Deed, releasing the tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine identified as Assessor's Tax Map 60 Lot 24-1.

f. (060216-8) The Kittery Town Council moves to sign a Release Deed, releasing the tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine identified as Assessor's Tax Map 60 Lot 24-2.

g. (060216-9) The Kittery Town Council moves to sign a Release Deed, releasing the tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine identified as Assessor's Tax Map 60 Lot 24-3.

h. (060216-10) The Kittery Town Council moves to sign a Release Deed, releasing the tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine identified as Assessor's Tax Map 60 Lot 24-4.

i. (060216-11) The Kittery Town Council moves to sign a Release Deed, releasing the tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine identified as Assessor's Tax Map 60 Lot 24-5.

j. (060216-12) The Kittery Town Council moves to sign a Release Deed, releasing the tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine identified as Assessor's Tax Map 60 Lot 24-6.

k. (060216-13) The Kittery Town Council moves to act on a petition submitted to the Town Council by the First Baptist Church of Kittery Point, in accordance with Title 13 M.R.S. §1221, to accept title ownership of the Clarkson-Moore Cemetery located northerly of School Lane and adjacent to the Petitioner's church building at the intersection of Haley Road and School Lane.

l. (060216-14) The Kittery Town Council moves to endorse the Portsmouth-based Seacoast Area Renewable Energy Initiative (SEAREI) to facilitate a bulk purchase solar energy project – the first of its kind in the seacoast.

m. (060216-15) The Kittery Town Council moves to approve a renewal application from Tributary Brewing Company LLC, 5 Winding Brooke Lane, South Berwick, Maine, for a Malt Liquor License for Tributary Brewing Company 10 Shapleigh Road.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION
17. ADJOURNMENT

Posted: June 23, 2016



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

cgranfield@kitteryme.org

Carol M. Granfield
Interim Town Manager

Town Manager's Report to the Town Council June 22, 2016

1. **Sewer Betterments** – I have been working with the team and have continued to review, analyze and develop a plan proposal for the Town Council to consider. We believe the plan that will be proposed is a very fair and equitable one and incorporates the interests and needs of both the residents and the Town.
2. **July 4th Holiday** – Town Hall will be closed on Monday, July 4th in observance of the holiday.
3. **Budget** – Following the adoption of the budget we are moving forth with implementing changes beginning with the new fiscal year. Additionally, we have begun finalizing the information and material necessary to submit again to the GFOA for the Distinguished Budget Award that was received for the first time last year. This involves a variety of incorporating information and material that was recommended last year when the budget was critiqued.
4. **Town Manager Search** – Eaton Peabody has met with the Town Council and updated the timeline of the search. The position will be advertised in July with a closing date in August. The consultants will screen applicants, conduct backgrounds and provide approximately 4 candidates to be interviewed on September 13 by three panels, one with department heads, a citizen panel and the Town Council. The consultants will be issuing information shortly to solicit citizens interested in serving on the panel.
5. **Fort Foster Requests** – I will be in contact with the Parks Commission to determine if they will have recommendations pertaining to drones, senior passes and other items. I have not yet received and input.

Respectfully Submitted,

Carol

Carol M. Granfield

1. Call to Order

Chairperson Beers called the meeting to order at 7:00 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault, Councilors Frank Dennett, Russell White, Kenneth Lemont, Judith Spiller, and Jeffrey Thomson.

5. Agenda Amendment and Adoption

Hearing none; the agenda was approved as presented.

6. Town Manager's Report

Town Manager Granfield reviewed her written report.

Town Hall Customer Service – Town Manager Granfield noted outstanding customer service provided by staff on May 31, 2016.

Replacement of Virtual Host Server – The computer system experienced issues due to insufficient storage space and the virtual host server is intended to be replaced.

Fort Foster – The Town Council requested further information to provide Fort Foster passes to elderly and drone policies in the park. Town Manager Granfield anticipated a response from the Parks Commission.

Regional Dispatch Update – Periodic updates have been provided regarding proposed agreements with Eliot and Berwick. At the time of proposal, there was discussion to not include South Berwick. Recently, the Berwick board voted to remain with the South Berwick dispatch and pay \$48,000 more than the proposal from Kittery. Their reasoning provided included to wait until the new Kittery Police Chief and Town Manager positions were established and maintained for some time. The Town will continue to seek other communities interested.

Sewer Betterment Assessment Work – Town Manager Granfield anticipated providing Town Council recommendations at the June 27, 2016 meeting. The July 13, 2016 meeting will be a public hearing.

Dineen Pending Matters – The Mary store property currently under Town Council tear down order was appealed by Mr. Dineen to the York County Superior Court. The order to remove the burnt buses was appealed to the Maine Supreme Court. The final matter pending is the immediate removal of unregistered and inoperable buses.

- 34 Adult Video Ordinance – A request was made to revise the current ordinance. Recommendations
35 will be forthcoming.
- 36 Abandoned House on Bridge Street – The Code Enforcement Officer has been in contact with
37 the owner of this dwelling. The building needs improvements to satisfy code requirements.
- 38 John Paul Jones Agreement – The agreement is awaiting the Governor’s signature and the
39 current maintenance agreement is being revised.
- 40 Navy Training Exercise – A training exercise will take place on June 14-16th which will produce
41 short bursts of sound that will simulate an attack.
- 42 First Baptist Church of Kittery Point – The Bethany Church agreed to accept the property
43 without the cemetery. The Town does not own any cemetery in Kittery and Town Manager
44 Granfield did not recommend accepting the deed until further research is conducted.
- 45 Employee Meetings/Employee Recognition Program – Meetings with employees were held to
46 update happenings within the Town. The HR Manager presented an Employee Recognition
47 Program to be in effect July 1, 2016.
- 48 Town Manager Granfield reviewed other items not included in her written report.
- 49 Kittery Block Party – The event will be held on Saturday, June 18, 2016 in Kittery Foreside from
50 10:00am – 4:00pm. Live music will begin at 7:00pm.
- 51 The Port Authority, Police Chief, and Town Manager Granfield met and determined that it may
52 not be in the best interest to have the Harbor Master be police certified.
- 53 WILSSA submitted a request to reconsider the previously denied request for waivers of fees.
- 54 Vice Chairperson Denault asked when the Parks Commission will provide a response. Town
55 Manager Granfield replied that she had not received a response yet and will follow up for an
56 estimated timeframe for response.
- 57 Vice Chairperson Denault asked if the ordinance committee and Town Attorney are included in
58 the conversations regarding the adult video ordinance. Town Manager Granfield noted that no
59 action has been taken on that matter.
- 60 Vice Chairperson Denault thanked Town Manager Granfield for the report on the sewer
61 betterment fees.
- 62 Councilor Thomson asked what duration contract the Berwick Board of Selectman signed. Town
63 Manager Granfield indicated that it would be revisited in 18 months.
- 64 Councilor Lemont asked when Town Council is scheduled to take action on the sewer betterment
65 fees. Town Manager Granfield explained that forward action could be taken after the June 27,
66 2016 recommendations and July 13, 2016 public hearing.
- 67 Councilor Lemont asked if any projected revenues were booked from the regional dispatch
68 contracts. Town Manager Granfield replied in the negative.
- 69 Councilor Lemont suggested to add a request to the Parks Commission that the opening time of

Fort Foster be moved from 10:00am to 9:00am to better accommodate families with small children.

Chairperson Beers noted that a proposal be provided to Town Council on June 27, 2016 that represents potential revisions to as many as four ordinances regarding sewer betterment fees. He requested that the Sewer Department Budget for FY2017 postpone any action until July 25, 2016 to account for the public hearing to be held on July 13, 2016. The Town Clerk will submit certified letters within 10 days after the public hearing to each property owner regarding their obligation. From receipt of the certified letter, the recipients will have 10 days to file an appeal.

7. Acceptance of Previous Minutes

Regular Meeting 5/23/2016

Line 190 – replace “inflection” with “impression”

Line 201 – replace “Madison” with “Manson”

Line 300 & 303 – replace “DEVISE” with “DEVICE”

The minutes were amended as adopted.

8. Interviews for the Board of Appeals and Planning

Board of Appeals: (one appointment until 3/1/17)

- April Timko

Ms. Timko stated her background as an attorney licensed with the Bar of the Commonwealth of Massachusetts and expressed interest in serving the community after 3 years’ residency in Kittery.

Councilor Dennett asked Ms. Timko to identify her employer. She replied Lahey Health System in Burlington, MA. Councilor Dennett asked her specific area of expertise. She replied laws relevant to health loss.

Vice Chairperson Denault thanked Ms. Timko for her application. He asked for Ms. Timko’s stance on interpretation of laws and regulations. She replied she was confident in her skills and is primarily a regulatory and transactional attorney.

Vice Chairperson Denault asked if the traffic will impose any issues in attending the meetings. She replied that her commute begins out of Burlington, MA before 5:00pm and her workplace has sufficient coverage for any absence. She added that she foresees no issue in fulfilling the full term commitment.

Councilor Spiller asked for Ms. Timko to provide her understanding of the basic role of the Board of Appeals. She replied that her basic understanding is that if a citizen has received a decision they disagree with, the Board of Appeals would review the appeal to accept or deny.

Councilor White asked if she has had the opportunity to attend or watch any previous Board of Appeals meetings. She replied that she has a good sense of what the Board of Appeals handles after review of past agendas and meeting minutes.

- Vern Gardner

113 Mr. Gardner stated his background as serving the Board of Appeals for over nine years and
114 several other committees and boards of Kittery.

115 Councilor Spiller asked for Mr. Gardner to provide her understanding of the basic role of the
116 Board of Appeals. He replied that the primary role of the Board of Appeals is to listen. This
117 focus alone can save hours of litigation.

118 Vice Chairperson Denault asked if Mr. Gardner expects to attend all meetings without any
119 unforeseen circumstances. He replied that he only missed two meetings in the past 9 years and
120 does not expect any issues.

121 Vice Chairperson Denault asked if Mr. Gardner is comfortable fulfilling the full term
122 commitment. Mr. Gardner clarified that he recently learned that 9 years on the Board of Appeals
123 requires at least one year break and it has been two years since he last served.

124 Councilor Thomson questioned how the application indicated a receipt date prior to the date of
125 signature.

126 Councilor Dennett expressed his concerns and stated his opposition to his application.

127 Councilor White encouraged Mr. Gardner to consider other boards and committees if his
128 application was not accepted in the affirmative.

129 **A MOTION WAS MADE BY COUNCILOR DENAULT TO APPROVE THE**
130 **APPOINTMENT OF APRIL TIMKO TO THE BOARD OF APPEALS FOR A TEM**
131 **ENDING ON 12/31/17, SECONDED BY CHAIRPERSON BEERS.**

132 Councilor Lemont expressed his concern that the process for interviews ought to be revised.
133 Councilor Thomson noted that this attributes to a charter amendment.

134 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE THE**
135 **APPOINTMENT OF VERN GARDNER TO THE BOARD OF APPEALS FOR A TERM**
136 **ENDING 12/31/17, SECONDED BY COUNCILOR WHITE.**

137 Councilor Spiller explained her reasoning for supporting Mr. Gardner. Vice Chairperson Denault
138 explained his reasoning for supporting Ms. Timko. Mr. Gardner withdrew his application.

139 **COUNCILOR SPILLER WITHDREW THE MOTION FOR VERN GARDNER,**
140 **SECONDED BY COUNCILOR WHITE.**

141 **THE MOTION PREVIOUSLY MADE BY COUNCILOR DENAULT, SECONDED BY**
142 **CHAIRPERSON BEERS, WAS CARRIED TO THE FLOOR. ROLL CALL TAKEN**
143 **WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

144 9. All items involving the town attorney, town engineers, town employees or other town
145 consultants or requested officials.

146 a. (050316-2) The Kittery Town Council moves to authorize in accordance with June 9,
147 2015 Town Meeting article #4, the release of funds from unassigned surplus (unencumbered
148 surplus) in the amount of \$15,735 to complete the proposed 2016 Spruce Creek Sampling Project
149 for the purpose of providing matching funds for the Spruce Creek Watershed Improvement

Project Phase IV and to appropriate said funds to be deposited into Special Reserve Fund # 2079-43510 Spruce Creek 319 PH4 Grant. The Kittery Town Council also moves to authorize an alternative procurement method to select FB Environmental Associates to complete the work.

The motion from June 9, 2016 was carried to the floor.

COUNCILOR WHITE AMENDED THE MOTION TO REPLACE THE ORIGINAL VERBIAGE WITH THE REVISED VERBIAGE TO READ “MOVE TO AUTHORIZE IN ACCORDANCE WITH JUNE 9, 2015 TOWN MEETING ARTICLE #4, THE RELEASE OF FUNDS FROM UNASSIGNED SURPLUS (UNENCUMBERED SURPLUS) IN THE AMOUNT OF \$15,735 TO COMPLETE THE PROPOSED 2016 SPRUCE CREEK SAMPLING PROJECT FOR THE PURPOSE OF PROVIDING MATCHING FUNDS FOR THE SPRUCE CREEK WATERSHED IMPROVEMENT PROJECT PHASE IV AND TO APPROPRIATE SAID FUNDS TO BE DEPOSITED INTO SPECIAL RESERVE FUND # 2079-43510 SPRUCE CREEK 319 PH4 GRANT. THE KITTEY TOWN COUNCIL ALSO MOVES TO AUTHORIZE AN ALTERNATIVE PROCUREMENT METHOD TO SELECT FB ENVIRONMENTAL ASSOCIATES TO COMPLETE THE WORK”, SECONDED BY COUNCILOR SPILLER.

Councilor Lemont cited an excerpt from March 23, 2015 Town Council meeting and April 24, 2016 joint meeting to explain that the Project Phase IV would duplicate services already provided for by DMR and the clam flats will not be reopened until 2020.

Vice Chairperson Denault agreed with Councilor Lemont’s statement and discussed other efforts to monitor shore lands.

Councilor Dennett stated his vote in the negative due to primarily the use of an alternative procurement method.

Councilor Spiller and Councilor White expressed their support as it is a model program in the State and provides useful information to avoid greater costs and protect natural resources.

Councilor Thomson felt that the funds are mainly used to finish a project.

ROLL CALL TAKEN WITH COUNCILOR DENNETT, COUNCILOR LEMONT, VICE CHAIRPERSON DENAULT, AND CHAIRPERSON BEERS OPPOSED. MOTION DID NOT CARRY 3/4/0.

10. PUBLIC HEARINGS

a. (060116-1) The Kittery Town Council moves to hold a public hearing on an amendment to the contract with Eaton Peabody Consulting Group, to extend their services until such time as a new Town Manager is hired, or June 30, 2017, unless otherwise agreed.

Chairperson Beers opened the floor for public comment. Hearing none; the public hearing was closed.

A MOTION WAS MADE BY COUNCILOR THOMSON TO EXTEND THEIR SERVICES UNTIL A NEW TOWN MANAGER IS HIRED, OR JUNE 30, 2017, UNLESS OTHERWISE AGREED, SECONDED BY COUNCILOR WHITE. ROLL TAKEN WAS

189 **ALL IN FAVOR. MOTION CARRIED 7/0/0.**

190 b. (060116-2) The Kittery Town Council moves to hold a public hearing to receive
191 comments on Town Meeting Articles 2 through 7 for the June 14th Election.

192 Chairperson Beers opened the floor for public comment. Hearing none; the public hearing was
193 closed.

194 c. (060116-3) The Kittery Town Council moves to hold a public hearing in accordance
195 with Sec. 6.06 (3) of the Kittery Town Charter and hereby ordains and adopts the 2016-17
196 Municipal and Adult Education budgets.

197 Chairperson Beers opened the floor for public comment.

198 Tricia Robillard thanked the Council for postponing action on the Sewer Department Budget
199 until sewer betterment fee issues are resolved.

200 Chairperson Beers closed the floor for public comment.

201 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE AMOUNT**
202 **OF \$12,775,765.00 FOR THE MUNICIPAL BUDGET FOR FISCAL YEAR 2017,**
203 **SECONDED BY CHAIRPERSON BEERS.**

204 Vice Chairperson Denault expressed concerns regarding the budget of the HR manager.

205 Chairperson Beers asked where to locate the \$6,800 for the Wood Island Life Saving Station
206 project. Town Manager Granfield replied it would be found under the Port Authority budget and
207 it would be paid under the proper functional department and the line covered by excess revenue.
208 Councilor Thomson clarified the budget and revenue figures process.

209 **ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

210 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE AMOUNT**
211 **OF \$92,059.00 FOR THE ADULT EDUCATION BUDGET FOR FISCAL YEAR 2017,**
212 **SECONDED BY CHAIRPERSON BEERS. ROLL CALL TAKEN WAS ALL IN FAVOR.**
213 **MOTION CARRIED 7/0/0.**

214 **A MOTION WAS MADE BY COUNCILOR THOMSON THE AMOUNT OF**
215 **\$12,867,824.00 BE HEREBY ORDAINED BY THE KITTERY TOWN COUNCIL FOR**
216 **THE TOTAL MUNICIPAL BUDGET WITHOUT OVERLAY FOR FISCAL YEAR 2017**
217 **EXCLUDING THE SEWER DEPARTMENT BUDGET, SECONDED BY**
218 **CHAIRPERSON BEERS. MOTION CARRIED 7/0/0.**

219 11. DISCUSSION

220 a. Discussion by members of the public (three minutes per person)

221 Kathy Hawkes

222 Ms. Hawkes expressed her disappointment resulting from the Comprehensive Plan Public Forum
223 held on June 11, 2016. There was critical information missing regarding the Athletic Fields
224 Master Plan to include the total cost of the budget and the actual plan. She did not feel that the
225 burning question at the forum considered the financial impact of the plan. Ms. Hawkes felt that

226 the Comprehensive Plan 2015-2025 incorporate the full impact of certain projects.

227 Tricia Robillard

228 Ms. Robillard reminded the Town Council that citizens continue to be concerned for the sewer
229 betterment fees and encouraged all to be familiar with the comments made at the May 2, 2016
230 workshop. She asked that the plan and proposed ordinance change be made publically available.

231 Cheryl Dickinson

232 Ms. Dickinson thanked the Town Council for listening to the citizens regarding the sewer
233 betterment fees and noted that all her personal financial matters are on hold until resolution is
234 seen.

235 b. Response to public comment directed to a particular Councilor – None.

236 c. Chairperson's response to public comments

237 Chairperson Beers asked that Ms. Hawkes provide a written copy of her comments.

238 Chairperson Beers answered to Ms. Robillard and Ms. Dickinson that there are a number of
239 variables involved in proposing a new recommendation for the sewer betterment fees.

240 12. UNFINISHED BUSINESS – None.

241 13. NEW BUSINESS

242 a. Donations/gifts received for Council disposition – None.

243 b. (060116-4) The Kittery Town Council moves to approve the disbursement warrants.

244 Town accounts payable of \$385,238.87.

245 Town accounts payable of \$11,913.78.

246 Sewer account payable of \$16,839.70.

247 Sewer account payable of \$6,175.96

248 Tax refund of \$8,297.00.

249 Tax refund of \$1,054.48.

250 Total of all disbursement warrants of \$429,620.28.

251

252 Councilor Dennett stated that the Town and Sewer warrants are in order.

253 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE**
254 **DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR WHITE. MOTION**
255 **CARRIED BY VOICE VOTE 7/0/0.**

256 c. (060116-5) The Kittery Town Council move to approve the Police Supervisor's labor
257 contract to expire June 30, 2017.

258 The motion made by Vice Chairperson Denault, seconded by Councilor White, on May 23, 2016
259 was carried to the floor.

260 **ROLL CALL TAKEN WAS TAKEN WITH COUNCILOR DENNETT OPPOSED.**
261 **MOTION CARRIED 6/1/0.**

d. (060116-6) The Kittery Town Council moves to approve a one day extension of the service area of the premises externally on the current liquor license for Anju, from 2:00pm – 10:00pm for the Kittery Block Party on June 18, 2016.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A ONE DAY EXTENSION OF THE SERVICE AREA OF THE PREMISES EXTERNALLY ON THE CURRENT LIQUOR LICENSE FOR ANJU, FROM 2:00PM – 10:00PM FOR THE KITTERY BLOCK PARTY ON JUNE 18, 2016, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

e. (060116-7) The Kittery Town Council moves to approve a renewal application from Suzanne's Village Café & Bistro LLC, 373 Southside Road, York, Maine for a Malt, Spirituous and Vinous Liquor License for Misto! Café, Bar, Bistro, 436 US Route 1.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL APPLICATION FROM SUZANNE'S VILLAGE CAFÉ & BISTRO LLC, 373 SOUTHSIDE ROAD, YORK, MAINE FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR MISTO! CAFÉ BAR BISTRO, 436 US ROUTE 1, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

f. (060116-8) The Kittery Town Council moves to appoint a representative to meet with the Chair of the KCC Board of Directors to interview Mark R. Schremmer for his re-appointment to that board until 12/31/19.

A MOTION WAS MADE BY COUNCILOR THOMSON TO REAPPOINT MARK R. SCHREMMER TO THAT BOARD UNTIL 12/31/19 WITHOUT THE BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

g. (060116-9) The Kittery Town Council moves to appoint a representative to meet with the Chair of the KCC Board of Directors to interview Steve Workman for his re-appointment to that board until 12/31/19.

A MOTION WAS MADE BY COUNCILOR THOMSON TO REAPPOINT STEVE WORKMAN TO THAT BOARD UNTIL 12/31/19 WITHOUT BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

h. (060116-10) The Kittery Town Council moves to appoint Anne Formalarie to the Conservation Commission as an associate member until 12/31/19.

A MOTION WAS MADE BY COUNCILOR SPILLER TO APPOINT ANNE FORMALARIE TO THE CONSERVATION COMMISSION AS AN ASSOCIATE MEMBER UNTIL 12/31/19, SECONDED BY COUNCILOR THOMSON. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

i. (060116-11) The Kittery Town Council moves to continue the Town Council & Port Authority Working Group as presented.

301 Vice Chairperson Denault felt that there could be an alternative method to accomplishing the
302 objectives of that working group. He stated with regret no support for the working group.

303 Chairperson Beers clarified to Councilor Lemont that it would be a continuous working group.

304 Councilor Thomson felt that the working group was a productive method at clarifying concerns
305 and issues. Vice Chairperson Denault asked when the additional two individuals would be
306 appointed. Councilor Thomson replied in November.

307 **A MOTION WAS MADE BY COUNCILOR DENAULT TO POSTPONE THE MOTION**
308 **TO CONTINUE THE TOWN COUNCIL & PORT AUTHORITY WORKING GROUP**
309 **AS PRESENTED UNTIL JULY 11, 2016, SECONDED BY COUNCILOR DENNETT.**
310 **ROLL CALL TAKEN WITH COUNCILOR THOMSON, COUNCILOR WHITE,**
311 **COUNCILOR SPILLER, COUNCILOR LEMONT AND CHAIRPERSON BEERS**
312 **OPPOSED. MOTION DID NOT CARRY 2/5/0.**

313 **THE PREVIOUS MOTION MADE BY COUNCILOR SPILLER, SECONDED BY**
314 **COUNCILOR WHITE WAS CARRIED TO THE FLOOR. ROLL CALL TAKEN WITH**
315 **COUNCILOR DENNETT AND COUNCILOR DENAULT OPPOSED. MOTION**
316 **CARRIED 5/2/0.**

317 j. (060116-12) The Kittery Town Council moves to approve a renewal application from
318 Kittery Premium Outlets, 375 US Route 1, Suite 220, Kittery, for an Amusement Devices
319 License for Kittery Premium Outlets, 375 US Route 1.

320 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE A RENEWAL**
321 **APPLICATION FROM KITTEY PREMIUM OUTLETS, 375 US ROUTE 1, SUITE 220,**
322 **KITTEY, FOR AN AMUSEMENT DEVICES LICENSE FOR KITTEY PREMIUM**
323 **OUTLETS, 375 US ROUTE 1, SECONDED BY COUNCILOR THOMSON. ROLL CALL**
324 **TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

325 k. (060116-13) The Kittery Town Council moves to discuss and reaffirm the Town of
326 Kittery's ZERO TOLERANCE POLICY on Evasion of Registration Fees and excise taxes. (This
327 policy was passed by the Kittery Town Council in 2001 and directly benefits the residents and
328 taxpayers of Kittery and the State of Maine.)

329 **A MOTION WAS MADE BY COUNCILOR DENAULT TO REAFFIRM THE TOWN**
330 **OF KITTEY'S ZERO TOLERANCE POLICY ON EVASION OF REGISTRATION**
331 **FEES AND EXCISE TAXES, SECONDED BY CHAIRPERSON BEERS.**

332 Councilor White expressed his concern for voting on an old policy and asked whether the Police
333 department has recently reviewed it. He also asked for further clarification of the terms and
334 conditions of the policy. Vice Chairperson Denault provided a brief history and explanation of
335 the policy. Police Chief Soucy added his insight on the matter.

336 Councilor Thomson and Councilor Spiller expressed their concerns regarding the necessity for
337 the motion.

338 **COUNCILOR DENAULT WITHDREW HIS MOTION, SECONDED BY**
339 **CHAIRPERSON BEERS.**

340 14. COUNCILOR ISSUES OR COMMENTS

341 Councilor White asked if the election date was made public information.

342 Councilor White announced the Better Safe than Sorry Workshop to be held on Tuesday, June
343 21, 2016 from 10:00am to 2:00pm and will obtain information on behalf of the Town.

344 Vice Chairperson Denault noted that a citizen requested that Town Council conduct a workshop
345 to discuss communication methods.

346 Vice Chairperson Denault welcomed Brian Early as being a new resident to Kittery.

347 Councilor Spiller expressed concerns for the mentioned Athletic Fields Master Plan burning
348 issue at the Comprehensive Plan Public Forum. She added that canine waste was a popular issue
349 at the forum.

350 Councilor Spiller noted the York Wild and Scenic River Committee is holding a listening session
351 on Tuesday, June 21, 2016 at 6:00pm at the York Public Library.

352 Councilor Lemont expressed concerns for potential advocacy of certain topics at the
353 Comprehensive Plan Public Forum. He also thanked Vice Chairperson Denault for bringing forth
354 the zero tolerance policy.

355 15. COMMITTEE AND OTHER REPORTS

356 a. Communications from the Chairperson

357 The Plumb training session resulted in a suggestion for Town Council to establish group norms.
358 Chairperson Beers suggested that be postponed until the new Town Manager is in position.

359 The sewer betterment reevaluation will include follow scheduled dates as follows:

- 360 • June 27, 2016 – assessment plan proposal from Town Manager and Town Council
361 action to postpone the sewer department budget
- 362 • July 11, 2016 – ordinance consideration or other necessary consideration
- 363 • July 13, 2016 – special meeting on the plan
- 364 • Certified letters be received within 10 days of the July 13, 2016 meeting from
365 Town Clerk. Appeals be submitted within 10 days after receipt of the certified
366 letter.
- 367 • July 25, 2016 – consideration for Sewer Department budget for FY2017

368 b. Committee Reports

369 The Wood Island Working Group has fundamentally completed its task. The National Parks
370 Program Manager is currently reviewing the draft report.

371 16. EXECUTIVE SESSION – None.

372 17. ADJOURNMENT

373 **IT WAS MOVED BY COUNCILOR THOMSON, SECONDED BY COUNCILOR**
374 **DENAUT TO ADJOURN THE MEETING AT 8:57 P.M. ALL WERE IN FAVOR BY A**
375 **VOICE VOTE. MOTION PASSED 7/0/0.**

376 Submitted by Marissa Day, Minutes Recorder, on June 20, 2016.

377 *Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst*
378 *every effort has been made to ensure the accuracy of the information the minutes are not*
379 *intended as a verbatim transcript of comments at the meeting, but a summary of the discussion*
380 *and actions that took place. For complete details, please refer to the video of the meeting on the*
381 *Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: June 22, 2016
From: Carol M. Granfield, Interim Town Manager
Subject: Proposal for Sewer Betterment Assessment Plan
Councilor Sponsor: Chairperson Gary Beers

BACKGROUND

A bond for sewer extensions in the amount of \$7,586,525.00 was approved for the 2015 extension project bettering 158 properties. The historic practice, as codified in Town Code Title 13, allocates up to 50% of that cost (\$3,793,262.50) to be assessed to the bettered properties.

The formula for the prior sewer construction projects utilized a percentage calculation based the following and the Town Council adopted the formula for this assessment with the same factors:

- 25% will be based on the square footage of the individual lot,
- 25% will be based on the frontage of each lot on the public way, and
- 50% will be a standard, equal amount applied to each parcel or lot involved in the Project.

Affected property owners were heard at the May 2nd Public Forum and conveyed that the betterment assessment amounts were unreasonable. Council directed that proposals to mitigate the impact be presented.

FACTS BEARING ON THE EQUATION

Title 30-A: MUNICIPALITIES AND COUNTIES

Part 2: MUNICIPALITIES

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS

Chapter 161: SEWERS AND DRAINS

Subchapter 3: ASSESSMENTS AND FEES

§3442. Expense of construction

5. Hearing; revision of assessments. *When the hearing is held, the municipal officers or sewer district trustees may revise, increase or diminish any of these assessments. Any revision, increase or diminution must be in writing and recorded by the municipal clerk and the sewer district trustees.*

CURRENT SITUATION**A. Pursuant to Title 13, Public Services:***Chapter 13.1 SEWER SERVICE SYSTEM**Article IV. Main Extensions***13.1.4.3 Assessment.****13.1.4.3.4 Record of Location of Sewer Line—Notification of Owner.**

A. The municipal officers shall file with the clerk of the Town the location of the sewer line and sewage disposal units and appurtenances, with a profile description of the same and a statement of the amount assessed upon each lot or parcel of land so assessed and the name of the owner of the lots or parcels of land or person against whom the assessment is made.

*B. The clerk of the Town is to record the assessment in a book kept for that purpose and within ten (10) days after filing notice, each person so assessed is to be notified of the assessment by having an authentic copy of the assessment, **with an order of notice** signed by the clerk of the Town **stating the time and place for a hearing** upon the subject matter of the assessments, given to each person so assessed or left at their usual place of abode in the Town.*

PROPOSED SOLUTION/RECOMMENDATION**B. In order to meet the Council objective the following actions are proposed:**

ITEM 1. Reduce property owner share of betterment assessment from 50% to 18.7% of project cost (\$1,422,000.00) (Enclosure 1)

- The revenue projection is included in Enclosure 1, the 20 year budget profile. The revenue profile offers a workable solution to achieve the objectives. In consideration of the revenue prospect, the proposed achieves the necessary revenue without increasing sewer rates or taxes. Any future increases will not be due to this project.

ITEM 2. Retain 50-25-25 allocation formula (same as all others) – most equitable (Enclosure 2)

- The allocation spreadsheet lists the original Scenario 1; new proposed amounts; and the variance from the original Scenario. A summary of the variances in assessment indicates an overall average of \$9,000 assessment. This average goal was utilized based on inflation factors from the last betterment assessments that were \$7,500, thus being fair and equitable. Those parcels less than 30,000 square feet average \$6,500.

ITEM 3. Ordain revisions to Town Code Title 13 to mitigate the 90-day connection mandate with payment deferral provision for properties with septic systems installed within the last 10 years; payment deferral provision for qualified low-income owners; allow an 18-year payment period; and, use of impact fee funds for any capital improvement (Enclosure 3)

- §13.1.1.11 90-day mandate to connect (i.e. deferment of betterments for those with relatively new septic systems)
- §13.1.4.4 to allow an 18-year payment plan period and deferment of betterments for low income eligible owners
- §13.2.2 Sewer Impact Fee Fund, to allow use of collected impact fees for this debt.

ITEM 4. Authorize a payment plan interest rate at 2.00% pursuant to §13.1.4.4

C. With approval, the ordinance revision items can be considered at the Regular meeting of July 11th.

- Schedule a public hearing on 7/11/16 on Title 13 amendments

Draft motion for 07/11: The Kittery Town Council moves to approve and hereby ordains revisions to Town Code, Title 13 Public Safety. [as presented / as amended]

D. A Special meeting for the plan adoption will be conducted at Shapleigh School on July 13th.

- Schedule a special meeting on 7/13/16 on the Sewer Betterment Assessment Plan

Draft motion for 07/13: The Kittery Town Council moves to approve the 2015 Main Extension Project Betterment Assessment. [as presented / as amended]

- Schedule the hearing of the Town Council at the July 13th meeting after the plan is approved. (Property owners may present information at the hearing to the Council and they may revise, increase or diminish any of the assessments and any revisions must be in writing and recorded by the Town Clerk. Any person not satisfied with the amount of assessment may appeal within ten days and must make a written request to the Town Clerk.

Draft motion for 07/13: The Kittery Town Council moves to schedule a hearing for property owners to provide information on ___Date TBD___.

- Town Council files Notice of Assessment with the Town Clerk following approval of plan. (The Town Clerk then sends certified notices to property owners within 10 days of the notice)
- Town Council must nominate six persons who are residents for arbitrators. The applicant selects two of these persons and the two persons select a third person who is a resident and not one of the six nominated by the Town Council.
- The three persons selected shall fix the amount to be paid by the applicant. Within 30 days from the hearing date of the Town Council, the arbitrators shall report findings to the Town Clerk who records them. The Arbitrators' report is final and binding.

Enclosures: (1) 20-Year KSD Budget Profile; (2) Property Assessment Calculation;
(3) Title 13 Revision Proposal (3a) Title 13 Enactment

	A	B	C	D	E	F	N	O	P	Q	R	S	T
1	Fiscal Year	O&M Expense	Debt Service	TOTAL EXPENSE		Total Other Revenue	Assessment / Bond	Impact Fee	New Impact Fees	TIF # 3	CIP/Self Loan	TOTAL REVENUE	VARIANCE
6	'14	\$1,436,777	\$268,551	\$1,705,328		\$1,098,948	\$0	\$0	\$0	\$0		\$1,817,458	\$112,129.37
7	'15	\$1,489,241	\$267,687	\$1,756,928		\$1,112,755	\$0	\$0	\$0	\$0		\$1,819,664	\$62,735.98
8	'16	\$1,556,081	\$262,538	\$1,818,620		\$1,112,755	\$0	\$0	\$0	\$0		\$1,819,664	\$1,044.18
9	'17	\$1,547,904	\$851,117	\$2,399,021		\$2,113,203	\$79,000	\$65,818	\$95,000	\$46,000		\$2,399,021	\$0.00
10	'18	\$1,578,862	\$849,214	\$2,428,076		\$2,271,965	\$79,000	\$77,111	\$0	\$0		\$2,428,076	\$0.00
11	'19	\$1,610,439	\$849,028	\$2,459,466		\$2,271,965	\$79,000	\$108,501	\$0	\$0		\$2,459,466	\$0.00
12	'20	\$1,642,648	\$847,503	\$2,490,151		\$2,271,965	\$79,000	\$0	\$195,000	\$0		\$2,545,965	\$55,814.29
13	'21	\$1,675,501	\$845,957	\$2,521,458		\$2,306,834	\$79,000	\$135,624	\$0	\$0		\$2,521,458	\$0.00
14	'22	\$1,709,011	\$844,274	\$2,553,285		\$2,306,834	\$178,572	\$0	\$0	\$67,878		\$2,553,285	\$0.00
15	'23	\$1,743,191	\$843,741	\$2,586,932		\$2,306,834	\$144,342	\$0	\$0	\$135,756		\$2,586,932	\$0.00
16	'24	\$1,778,055	\$771,941	\$2,549,996		\$2,306,834	\$79,000	\$0	\$0	\$203,634		\$2,589,469	\$39,473.10
17	'25	\$1,813,616	\$973,594	\$2,787,209		\$2,306,834	\$127,629	\$81,234	\$0	\$271,513		\$2,787,209	\$0.00
18	'26	\$1,849,888	\$973,594	\$2,823,482		\$2,306,834	\$177,257	\$0	\$0	\$339,391		\$2,823,482	\$0.00
19	'27	\$1,886,886	\$973,595	\$2,860,480		\$2,306,834	\$146,377	\$0	\$0	\$407,269		\$2,860,480	\$0.00
20	'28	\$1,924,623	\$973,594	\$2,898,217		\$2,306,834	\$116,236	\$0	\$0	\$475,147		\$2,898,217	\$0.00
21	'29	\$1,963,116	\$973,594	\$2,936,710		\$2,306,834	\$86,851	\$0	\$0	\$543,025		\$2,936,710	\$0.00
22	'30	\$2,002,378	\$973,595	\$2,975,973		\$2,306,834	\$16,737	\$0	\$0	\$610,903	\$41,498	\$2,975,973	\$0.00
23	'31	\$2,042,426	\$973,594	\$3,016,020		\$2,306,834	\$0	\$0	\$0	\$678,781	\$30,404	\$3,016,020	\$0.00
24	'32	\$2,083,274	\$783,397	\$2,866,671		\$2,306,834	\$0	\$0	\$0	\$746,660	(\$71,902)	\$2,981,592	\$114,920.50
25	'33	\$2,124,940	\$783,397	\$2,908,337		\$2,306,834	\$0	\$0	\$0	\$814,538		\$3,121,372	\$213,034.69
26	'34	\$2,167,439	\$783,398	\$2,950,836		\$2,306,834	\$0	\$0	\$0	\$882,416		\$3,189,250	\$238,413.61
27	'35	\$2,210,787	\$783,397	\$2,994,185		\$2,306,834	\$0	\$0	\$0	\$950,294		\$3,257,128	\$262,943.37
28	'36	\$2,255,003	\$783,398	\$3,038,401		\$2,306,834	\$0	\$0	\$0	\$1,018,172		\$3,325,006	\$286,605.63
29		\$42,092,084	\$18,233,697	\$60,325,781		\$49,162,904	\$1,468,000	\$468,287	\$290,000	\$8,191,377	\$71,902	\$61,712,896	\$1,387,115
30													
31	O&M Expense increases by 2%/yr from FY18. Current bond debt retirement in FY'23 & FY'31. Uses the \$1.4M Assessment in 11 years & saves the \$100,000 Bond Contingency until FY29 and												
32	FY30. Contingency amount shown is \$46.3K in those two years to cover the \$53.7 Town Assessment. If Assessment collection goes beyond 10-years, add to self-loan and adjust accordingly. Net												
33	effect is zero-sum. Impact Fee Balance of \$373,000 gains \$95,287 for FY'20 & FY'24 surplus. CIP or Self-Loan amounts needed as shown in Column R. Loans can be repaid with surplus from												
34	retired debt in FY'32. FY11-13 Rows & Other Revenue Columns G-M are zeroed												

ENCLOSURE

	A	B	C	D	E	G	H	I	J
1	Kittery Sewer Extension Betterments			UPDATED 6/22/2016		SORTED BY OWNER NAME			
3	Total Project Cost			\$7,586,525					
4	Total Betterment Assessment (Scenario 1)			\$3,793,263	(50% of Total Project Cost)				
5	Total Betterment Assessment (Scenario 2)			\$1,422,000	(18.7% of the Total Project Cost - additional \$2.4M in Other funds,)				
6	Total Number of Parcels			158					
7	Total Front Footage			25,541	ft				
8	Total Area			13,535,040	sq ft				
9					Unit	Frontage	Area	Avg Betterment -	
10				Total Assessment	\$/parcel	\$/sq.ft	\$/sq.ft	Parcels <30,000	
11	SCENARIO 1 - ORIGINAL CALCULATIONS			\$3,793,262.50	\$12,004.00	\$37.13	\$0.07	\$17,426.20	
12	SCENARIO 1 - REVISED CALCULATIONS			\$1,422,000.00	\$4,500.00	\$13.92	\$0.03	\$6,557.76	
14	* Note: Property owner, address, map & lot number, square footage, and frontage information provided by the Town of Kittery on 4/28/16 .								
16	Parcel Data						ASSESSMENT		Variance in Assessment
17	Map-Lot	Property Owner	Nbr	Address	Area (Sq.Ft)	Frontage (LF)	SCENARIO		
18							Original	Revised	
19	11-CEM	KITTERY - CEMETARY		MARTIN ROAD	1,481	72	\$14,781.10	\$5,541.07	(\$9,240.03)
20	11-10	KITTERY - REMICK PRESERVE		MARTIN ROAD	620,730	30	\$56,608.56	\$21,221.14	(\$35,387.41)
21	20-21B	KITTERY - ROW		MARTIN ROAD	8,712	51.1	\$14,511.72	\$5,440.08	(\$9,071.64)
22	29-24	KITTERY - SHAPLEIGH FIELD		STEVENSON ROAD	260,489	294	\$41,170.97	\$15,433.97	(\$25,736.99)
23	37-03	KITTERY - SHAPLEIGH SCHOOL	20	MANSON ROAD	239,580	374	\$42,676.38	\$15,998.32	(\$26,678.07)
24	30-22A	AMSDEN, NATHAN C	27	MANSON ROAD	17,424	129.4	\$18,029.37	\$6,758.76	(\$11,270.61)
25	30-37	AYOTTE, WILLIAM E	59	MANSON ROAD	15,246	114.69	\$17,330.59	\$6,496.81	(\$10,833.78)
26	11-37	BASSETT, JENNIFER A	14	MARTIN ROAD	8,712	70	\$15,213.47	\$5,703.15	(\$9,510.32)
27	20-20	BEDARD, KIMBERLY B	100	MARTIN ROAD	28,314	125	\$18,628.99	\$6,983.55	(\$11,645.45)
28	29-26	BRAGDON, KINGSBURY P	36	STEVENSON ROAD	8,712	90	\$15,956.07	\$5,981.53	(\$9,974.53)
29	20-42	BUNKER, SHAUN P	112	MARTIN ROAD	80,150	170	\$23,931.68	\$8,971.39	(\$14,960.29)
30	20-18	BURBANK, KAREN C	122	MARTIN ROAD	23,958	150	\$19,252.04	\$7,217.11	(\$12,034.93)
31	20-02-9	BUSSING, JAMES G	14	RIDGEWOOD DRIVE	249,163	134	\$34,436.67	\$12,909.45	(\$21,527.22)
32	29-02	CALDWELL, VIOLA F	140	MARTIN ROAD	37,026	170	\$20,910.23	\$7,838.73	(\$13,071.50)
33	11-06	CAVANAUGH, JASON	7	MARTIN ROAD	32,234	132.7	\$19,189.57	\$7,193.69	(\$11,995.88)
34	20-04	CENTRAL MAINE POWER CO	91	MARTIN ROAD	21,780	150	\$19,099.44	\$7,159.91	(\$11,939.53)
35	20-24	CENTRAL MAINE POWER CO	92	MARTIN ROAD	17,424	100	\$16,937.76	\$6,349.55	(\$10,588.21)
36	30-28	CERCONE, ANTONIO	53	MANSON ROAD	13,068	99.9	\$16,628.85	\$6,233.74	(\$10,395.10)
37	30-11	CERCONE, MICHAEL K	48	MANSON ROAD	87,120	107.25	\$22,090.11	\$8,281.03	(\$13,809.08)
38	11-28B	CHASE, CONRAD N	52	MARTIN ROAD	15,246	80	\$16,042.56	\$6,013.96	(\$10,028.61)
39	29-22A	CIESIELSKI, DONALD F	25	STEVENSON ROAD	10,890	64	\$15,143.29	\$5,676.84	(\$9,466.45)
40	30-39	CLARK, SHARON A	63	MANSON ROAD	370,260	125	\$42,587.01	\$15,964.81	(\$26,622.20)
41	29-07	CLOUTIER, HAROLD R	129	MARTIN ROAD	21,780	236	\$22,292.60	\$8,356.94	(\$13,935.66)
42	29-16	COOK, MICHELE A	7	STEVENSON ROAD	50,094	312.8	\$27,127.94	\$10,169.59	(\$16,958.35)
43	11-23	CORLISS, ROSE E	64	MARTIN ROAD	23,958	135	\$18,695.09	\$7,008.33	(\$11,686.77)
44	21-06	CRESSEY, STUART R	12	DANA AVENUE	45,738	235.4	\$23,948.91	\$8,977.85	(\$14,971.06)
45	13-04	CULLEN, WILLIAM J	31	GROVER AVENUE	217,800	511	\$46,237.16	\$17,333.17	(\$28,904.00)
46	19-02	CUMMINGS, PATRICIA J	71	MARTIN ROAD	19,602	200	\$20,803.33	\$7,798.65	(\$13,004.68)
47	20-38	DELLAPIANA, RICHARD E	72	MARTIN ROAD	26,136	222.4	\$22,092.83	\$8,282.05	(\$13,810.78)
48	30-12	DENAULT, ROBERT L F	46	MANSON ROAD	7,000	60	\$14,722.22	\$5,519.00	(\$9,203.23)
49	12-03-1	DENNETT, WILLIAM A	98	DENNETT ROAD	3,574,534	704.23	\$288,597.07	\$108,187.88	(\$180,409.19)
50	11-31	DEROSIA, THOMAS K	26	MARTIN ROAD	19,602	100	\$17,090.36	\$6,406.75	(\$10,683.61)
51	20-03	DEWHURST, LILLIAN J	87	MARTIN ROAD	54,450	150	\$21,388.42	\$8,017.99	(\$13,370.43)
52	20-05A	DICKSON, SUSAN J	95	MARTIN ROAD	15,000	100	\$16,767.92	\$6,285.88	(\$10,482.04)
53	11-08	DINSMORE, MICHELLE L	17	MARTIN ROAD	23,958	75	\$16,467.31	\$6,173.19	(\$10,294.12)

	A	B	C	D	E	G	H	I	J
16	Parcel Data						ASSESSMENT		Variance in Assessment
17	Map-Lot	Property Owner	Nbr	Address	Area (Sq.Ft)	Frontage (LF)	SCENARIO		
18							Original	Revised	
54	20-02C	DIXON, FRED W	7	RIDGEWOOD DRIVE	48,787	229.89	\$23,957.96	\$8,981.24	(\$14,976.72)
55	30-06	DODGE, DAVID A	15	DANA AVENUE	26,136	100	\$17,548.15	\$6,578.37	(\$10,969.79)
56	29-19	DONOVAN, LAURA	9	STEVENSON ROAD	10,890	59.3	\$14,968.78	\$5,611.42	(\$9,357.36)
57	21-03	DOW HIGHWAY PROPERTIES LLC	5	DANA AVENUE	150,718	508	\$41,425.73	\$15,529.48	(\$25,896.25)
58	21-07	DOW HIGHWAY PROPERTIES LLC	2-4	DANA AVENUE	102,802	508	\$38,068.56	\$14,270.96	(\$23,797.60)
59	11-19	DUFFY, GAIL L	57	MARTIN ROAD	22,500	150	\$19,149.89	\$7,178.82	(\$11,971.07)
60	20-14	DUMAS, ARTHUR P	31	ROUTE 236	41,382	139	\$20,064.40	\$7,521.65	(\$12,542.76)
61	29-08	ELDRIDGE, KATHLEEN C	131	MARTIN ROAD	143,748	14	\$22,595.33	\$8,470.43	(\$14,124.90)
62	30-22	ESTES, ALAN W	29	MANSON ROAD	60,984	68.2	\$18,809.01	\$7,051.03	(\$11,757.98)
63	30-29	FLETCHER, ROGER W & ALICE M	55	MANSON ROAD	13,068	99.87	\$16,627.73	\$6,233.32	(\$10,394.41)
64	29-31	FLOWER COMPANY PROPERTIES	483	HAROLD L DOW HIGHW	1,300,702	551.6	\$123,616.77	\$46,340.86	(\$77,275.91)
65	29-31A	FLOWER COMPANY PROPERTIES	22	STEVENSON ROAD	42,253	225	\$23,318.59	\$8,741.56	(\$14,577.03)
66	11-38	FORD, RYAN L	158	DENNETT ROAD EXTENS	15,246	130	\$17,899.05	\$6,709.91	(\$11,189.14)
67	19-01	FREDERICKS, JACQUELINE	65	MARTIN ROAD	21,780	150	\$19,099.44	\$7,159.91	(\$11,939.53)
68	11-36	FREMEAU, EDWARD F	16	MARTIN ROAD	13,068	100	\$16,632.56	\$6,235.13	(\$10,397.43)
69	21-19	GAGNE REALTY HOLDINGS LLC	15	ROUTE 236	135,036	330	\$33,717.93	\$12,640.02	(\$21,077.91)
70	21-21	GAGNE REALTY HOLDINGS LLC	21	ROUTE 236	28,314	200	\$21,413.72	\$8,027.47	(\$13,386.25)
71	29-06	GALLO, JAMES	124	MARTIN ROAD	43,124	125	\$19,666.67	\$7,372.55	(\$12,294.12)
72	30-10	GARDNER, ETHEL V	50	MANSON ROAD	17,424	116	\$17,531.83	\$6,572.25	(\$10,959.58)
73	30-08	GARDNER, SCOTT T	19	DANA AVENUE	23,958	100	\$17,395.55	\$6,521.16	(\$10,874.39)
74	21-18	GERASIN FAMILY REALTY LLC	1	ROUTE 236	564,538	286.15	\$62,182.28	\$23,310.60	(\$38,871.69)
75	20-13	GERRY, WALLACE W	27	ROUTE 236	34,848	120	\$18,901.14	\$7,085.57	(\$11,815.57)
76	30-14	GILL, BARBARA A	38	MANSON ROAD	87,120	380	\$32,217.24	\$12,077.44	(\$20,139.80)
77	11-07	GOODSON, WILLIE T	15	MARTIN ROAD	13,068	112.5	\$17,096.68	\$6,409.12	(\$10,687.56)
78	29-37	GOODWIN, CARLA J	4	STEVENSON ROAD	60,984	225	\$24,630.95	\$9,233.53	(\$15,397.42)
79	30-16	GORDON, ADAM J	28	MANSON ROAD	8,712	92	\$16,030.32	\$6,009.37	(\$10,020.95)
80	20-23	GOWEN, MARK	94	MARTIN ROAD	17,860	100.1	\$16,972.02	\$6,362.39	(\$10,609.63)
81	11-26	GREENE, CAROL J	58	MARTIN ROAD	16,200	90	\$16,480.70	\$6,178.21	(\$10,302.50)
82	30-25	GREENWOOD, MEGAN D F	2	APPLEGATE LANE	141,570	390	\$36,403.51	\$13,646.77	(\$22,756.74)
83	29-29	HANNIGAN, HARRY J	28	STEVENSON ROAD	23,958	100	\$17,395.55	\$6,521.16	(\$10,874.39)
84	29-30	HANNIGAN, HARRY J	26	STEVENSON ROAD	15,246	125	\$17,713.40	\$6,640.31	(\$11,073.09)
85	29-33	HAWKES, KATHRYN M	16	STEVENSON ROAD	24,672	150	\$19,302.07	\$7,235.87	(\$12,066.20)
86	30-27	HEDRICK, DALE C	51	MANSON ROAD	28,314	120	\$18,443.35	\$6,913.95	(\$11,529.39)
87	20-26	HEISLER, NADINE H	86A	MARTIN ROAD	15,246	100	\$16,785.16	\$6,292.34	(\$10,492.82)
88	30-04	HINCKLEY, VIRGIL J	18	DANA AVENUE	43,560	200	\$22,481.92	\$8,427.91	(\$14,054.00)
89	11-15	HODGKINS, DAVID M	43	MARTIN ROAD	10,870	75	\$15,550.32	\$5,829.43	(\$9,720.89)
90	11-28A	HODGKINS, PAUL A	46	MARTIN ROAD	10,890	100	\$16,479.96	\$6,177.93	(\$10,302.03)
91	29-20	HOLT, SUSAN C	15	STEVENSON ROAD	158,558	336	\$35,588.78	\$13,341.35	(\$22,247.43)
92	21-04	HOWLAND JR, THOMAS H	11	DANA AVENUE	30,492	180.5	\$20,842.29	\$7,813.26	(\$13,029.03)
93	29-05	JENKINS, JAMES C	130	MARTIN ROAD	23,958	156	\$19,474.82	\$7,300.63	(\$12,174.19)
94	29-13A	JEWETT TR, FRANK W	1	STEVENSON ROAD	47,480	200	\$22,756.59	\$8,530.88	(\$14,225.71)
95	11-29	JOHNSON, ABBY L	32	MARTIN ROAD	248,292	115.8	\$33,699.88	\$12,633.25	(\$21,066.63)
96	20-17	JOHNSON, RICHARD D	37	ROUTE 236	30,928	240	\$23,082.03	\$8,652.88	(\$14,429.15)
97	30-01-1	KAGILIERY, MARIA & SMITH, CHA	64	MANSON ROAD	13,068	108	\$16,929.60	\$6,346.49	(\$10,583.11)
98	30-01-2	KAGILIERY, NANCY P	62	MANSON ROAD	30,927	109	\$18,218.00	\$6,829.47	(\$11,388.52)
99	30-38	KAGILIERY, ZACHARIAS H	61	MANSON ROAD	19,603	151	\$18,984.04	\$7,116.65	(\$11,867.40)

	A	B	C	D	E	G	H	I	J
16	Parcel Data						ASSESSMENT		Variance in Assessment
17	Map-Lot	Property Owner	Nbr	Address	Area (Sq.Ft)	Frontage (LF)	SCENARIO		
18							Original	Revised	
100	11-35	KENNEDY, JOSEPH M	20	MARTIN ROAD	23,958	130	\$18,509.45	\$6,938.73	(\$11,570.71)
101	29-04	KING, VINCENT E	132	MARTIN ROAD	49,658	150	\$21,052.71	\$7,892.14	(\$13,160.57)
102	19-03	KOTERBA, JEAN M	75	MARTIN ROAD	17,424	163	\$19,276.93	\$7,226.44	(\$12,050.49)
103	30-21	LACLAIR, THELMA J	25	MANSON ROAD	28,314	133	\$18,926.03	\$7,094.90	(\$11,831.13)
104	29-01	LAPIERRE PROPERTIES LLC	41	ROUTE 236	163,350	495	\$41,828.12	\$15,680.32	(\$26,147.79)
105	29-44	LAPIERRE PROPERTIES LLC	32	ROUTE 236	206,997	740.97	\$54,019.00	\$20,250.38	(\$33,768.61)
106	30-17	LINSCOTT, DAVID H	24	MANSON ROAD	45,738	143	\$20,518.12	\$7,691.73	(\$12,826.39)
107	30-18	LINSCOTT, DAVID H	42	STEVENSON ROAD	15,246	142	\$18,344.61	\$6,876.94	(\$11,467.67)
108	29-35	LUND JR, RONALD H	10	STEVENSON ROAD	10,890	75	\$15,551.72	\$5,829.95	(\$9,721.76)
109	30-36	MARINO, ADAM	57	MANSON ROAD	17,424	130	\$18,051.65	\$6,767.12	(\$11,284.53)
110	30-02	MARTELL, JEFFREY J	24	DANA AVENUE	43,560	150	\$20,625.43	\$7,731.96	(\$12,893.47)
111	29-27	MASON, ROBERT	34	STEVENSON ROAD	13,068	100	\$16,632.56	\$6,235.13	(\$10,397.43)
112	29-08A	MEROSOLA, PATRICIA S	139	MARTIN ROAD	13,068	80	\$15,889.97	\$5,956.75	(\$9,933.21)
113	29-08B	MEROSOLA, PATRICIA S	135	MARTIN ROAD	37,026	179	\$21,244.39	\$7,964.00	(\$13,280.40)
114	29-25	Merrill, Stuart	38	STEVENSON ROAD	15,246	0	\$13,072.19	\$4,900.44	(\$8,171.75)
115	20-37	MILLER, DOROTHY M	80	MARTIN ROAD	37,026	100.3	\$18,322.29	\$6,868.57	(\$11,453.72)
116	20-36	MILLER, LINN G	6	ARMOUR DRIVE	15,246	158.4	\$18,953.53	\$7,105.21	(\$11,848.32)
117	20-02-13	MOORE, WILLIAM T	6	RIDGEWOOD DRIVE	84,942	286	\$28,574.45	\$10,711.85	(\$17,862.60)
118	30-09	MOULTON, SHERRILL K	21	DANA AVENUE	15,246	105	\$16,970.81	\$6,361.93	(\$10,608.87)
119	11-18	NELSON, MARK A	55	MARTIN ROAD	95,832	100	\$22,431.32	\$8,408.94	(\$14,022.37)
120	29-32	NOONEY, JACQUELYN	18	STEVENSON ROAD	35,129	200	\$21,891.21	\$8,206.47	(\$13,684.74)
121	11-13	NORTON, VIOLET A	33	MARTIN ROAD	28,314	203	\$21,525.11	\$8,069.23	(\$13,455.88)
122	20-02B	O'BRIEN, THERESA L	83	MARTIN ROAD	34,848	195.2	\$21,693.30	\$8,132.28	(\$13,561.02)
123	11-09	ORR, STEPHEN H	19	MARTIN ROAD	17,424	137.5	\$18,330.12	\$6,871.51	(\$11,458.61)
124	11-14	OSWALD, NICOLE E	41	MARTIN ROAD	32,670	225	\$22,647.16	\$8,489.86	(\$14,157.30)
125	21-02	PATTEN TR, SUZANNE R	22	ROUTE 236	204,296	202	\$33,817.97	\$12,677.52	(\$21,140.45)
126	29-34	PATTEN, CAROLYN	14	STEVENSON ROAD	13,068	150	\$18,489.05	\$6,931.08	(\$11,557.96)
127	20-07	PENNEY, DON G	107	MARTIN ROAD	50,094	275	\$25,724.44	\$9,643.45	(\$16,080.99)
128	11-28	PEVERLY, MARCIA	48	MARTIN ROAD	10,890	60	\$14,994.77	\$5,621.17	(\$9,373.60)
129	11-16	PHILBRICK, EDWARD E	45	MARTIN ROAD	6,534	50	\$14,318.28	\$5,367.57	(\$8,950.71)
130	11-33	PHILBRICK, JOSHUA	24	MARTIN ROAD	19,602	100	\$17,090.36	\$6,406.75	(\$10,683.61)
131	30-07	PIERCE, PATRICK B	17	DANA AVENUE	23,958	100	\$17,395.55	\$6,521.16	(\$10,874.39)
132	29-28A	POMERLEAU SR, BRIAN O	32	STEVENSON ROAD	13,068	100	\$16,632.56	\$6,235.13	(\$10,397.43)
133	29-15	PORTER, MELISSA TURNER	3	STEVENSON ROAD	39,204	200	\$22,176.72	\$8,313.50	(\$13,863.22)
134	29-28	PRESTON, DAVID A & JENNIFER L	30	STEVENSON ROAD	32,670	100	\$18,005.95	\$6,749.98	(\$11,255.97)
135	20-05	PROCTOR, LOUIS R	99	MARTIN ROAD	15,000	100	\$16,767.92	\$6,285.88	(\$10,482.04)
136	29-37A	PROVENCAL, RONALD D	8	STEVENSON ROAD	10,000	100	\$16,417.60	\$6,154.55	(\$10,263.05)
137	20-08A	RACINE, MICHAEL E	111	MARTIN ROAD	32,670	92	\$17,708.91	\$6,638.63	(\$11,070.28)
138	20-09	RICHARD II, GERALD C	117	MARTIN ROAD	19,602	100	\$17,090.36	\$6,406.75	(\$10,683.61)
139	30-13	RICHARDSON, BURTON J	42	MANSON ROAD	145,490	330.84	\$34,481.59	\$12,926.29	(\$21,555.30)
140	20-06	ROBERGE, CHARLES J	101	MARTIN ROAD	19,602	125	\$18,018.60	\$6,754.73	(\$11,263.87)
141	29-38	ROLLINS, HAROLD J & EDITH	2	STEVENSON ROAD	19,602	120	\$17,832.95	\$6,685.13	(\$11,147.82)
142	11-11	ROSE, DEBORAH J	23	MARTIN ROAD	4,356	30	\$13,423.08	\$5,031.98	(\$8,391.10)
143	20-10	RUSSELL, HENRY W	121	MARTIN ROAD	28,314	190	\$21,042.43	\$7,888.28	(\$13,154.14)
144	30-03	SAWTELLE TR, ERWIN M	22	DANA AVENUE	26,136	111	\$17,956.58	\$6,731.48	(\$11,225.10)
145	21-18A	SEAWARD, DANIEL O	1	ROUTE 236	107,158	325	\$31,579.02	\$11,838.19	(\$19,740.83)

	A	B	C	D	E	G	H	I	J
16	Parcel Data						ASSESSMENT		Variance in Assessment
17	Map-Lot	Property Owner	Nbr	Address	Area (Sq.Ft)	Frontage (LF)	SCENARIO		
18							Original	Revised	
146	20-25	SEVERANCE, DONALD P & GLORIA	88	MARTIN ROAD	15,246	101.2	\$16,829.71	\$6,309.04	(\$10,520.67)
147	20-02A	SHAFFER, JOSEPH L	5	RIDGEWOOD DRIVE	15,246	150	\$18,641.64	\$6,988.29	(\$11,653.35)
148	29-34A	SMITH, STEPHEN M	12	STEVENSON ROAD	10,890	75	\$15,551.72	\$5,829.95	(\$9,721.76)
149	30-12A	SMYKOWSKI, RICHARD J	44	MANSON ROAD	198,634	50	\$27,777.50	\$10,413.09	(\$17,364.40)
150	11-30	SOUTHERN MAINE FISH & GAME	30	MARTIN ROAD	174,240	137.5	\$29,317.24	\$10,990.31	(\$18,326.93)
151	30-26	SPINNEY, IRENE J	49	MANSON ROAD	65,776	331.11	\$28,906.50	\$10,836.33	(\$18,070.17)
152	29-21	STARKEY, PATRICIA R	23	STEVENSON ROAD	26,136	100	\$17,548.15	\$6,578.37	(\$10,969.79)
153	11-26A	STARKEY, RICHARD A	60	MARTIN ROAD	35,340	30	\$15,593.94	\$5,845.78	(\$9,748.16)
154	30-05	STOODLEY JR, ROBERT P	13	DANA AVENUE	30,492	115	\$18,410.30	\$6,901.56	(\$11,508.73)
155	11-27	STUART, DAWN	54	MARTIN ROAD	26,136	165	\$19,961.58	\$7,483.10	(\$12,478.48)
156	20-12	SUNLILY APARTMENTS LLC	25	ROUTE 236	76,230	61.62	\$19,632.89	\$7,359.88	(\$12,273.01)
157	11-22	SYLVESTER, GORDON B	66	MARTIN ROAD	41,382	135	\$19,915.89	\$7,465.97	(\$12,449.91)
158	11-12	TANGUAY, ARTHUR G	29	MARTIN ROAD	30,492	200	\$21,566.32	\$8,084.68	(\$13,481.64)
159	20-41A	TAPLEY, MICHAEL H	2	COMMANDERS WAY	56,628	153	\$21,652.41	\$8,116.95	(\$13,535.46)
160	20-41	TAPLEY, STEPHEN W	108	MARTIN ROAD	45,302	151.54	\$20,804.69	\$7,799.16	(\$13,005.53)
161	11-17	THAYER, RICKEY G	47	MARTIN ROAD	44,867	100	\$18,860.50	\$7,070.33	(\$11,790.17)
162	29-11	THEBERGE, DIANA L	143	MARTIN ROAD	10,890	45.1	\$14,441.54	\$5,413.77	(\$9,027.76)
163	20-08	TORRES, KIMBERLEE	111A	MARTIN ROAD	13,068	93	\$16,372.65	\$6,137.70	(\$10,234.95)
164	20-22	TUTTLE, ROBERT J	96	MARTIN ROAD	17,424	100	\$16,937.76	\$6,349.55	(\$10,588.21)
165	29-22	VEILLEUX, CONRAD & THOMAS	27	STEVENSON ROAD	52,272	142	\$20,938.79	\$7,849.43	(\$13,089.36)
166	30-20	WALDRON, MEGAN T	23	MANSON ROAD	10,625	85	\$15,904.45	\$5,962.18	(\$9,942.27)
167	20-01	WALKER, ERIC	77	MARTIN ROAD	15,246	100	\$16,785.16	\$6,292.34	(\$10,492.82)
168	20-39	WEBB, LEOLA M	70	MARTIN ROAD	69,696	90	\$20,228.83	\$7,583.29	(\$12,645.55)
169	30-23	WENCK, ALFRED J	33	MANSON ROAD	30,492	134.9	\$19,149.18	\$7,178.55	(\$11,970.63)
170	30-24	WENDT, MARTIN J	35	MANSON ROAD	43,560	115	\$19,325.89	\$7,244.80	(\$12,081.09)
171	21-05	WENTWORTH, DAVID A	16	DANA AVENUE	19,602	98.8	\$17,045.80	\$6,390.05	(\$10,655.75)
172	21-19A	WILSON, DAVID W	11	ROUTE 236	37,206	230.65	\$23,174.76	\$8,687.64	(\$14,487.12)
173	29-03	WOJER, ELAINE	136	MARTIN ROAD	32,088	112.2	\$18,418.16	\$6,904.51	(\$11,513.65)
174	21-01	WRIGHT, GLENNIS A	26	ROUTE 236	22,215	200	\$20,986.40	\$7,867.28	(\$13,119.12)
175	30-15	YOUNG, ALFRED S	32	MANSON ROAD	54,450	190	\$22,873.61	\$8,574.75	(\$14,298.86)
176	29-23	ZANGARI TR, DOMINIC M	29	STEVENSON ROAD	23,958	125	\$18,323.80	\$6,869.14	(\$11,454.66)
177	Total						\$3,793,262.50	\$1,422,000.00	
178	Average Assessment						\$24,007.99	\$9,000.00	(\$15,007.99)
179	Average of Parcels <30,000 sq. ft						\$17,426.20	\$6,532.65	(\$10,893.55)

1 **AN ORDINANCE** relating to the municipality's authority for Town governance to give
2 due and proper attention to its many demands pursuant to the Town Charter, Federal
3 law, and Maine Revised Statutes, and more particularly where the Town, its officers,
4 and various of its officials, are obligated to address assessments for a voter-approved
5 sewer main extension project.

6 **WHEREAS**, the Kittery Town Council is authorized to enact this Ordinance, as specified
7 in Sections 1.01 and 2.07(3) of the Town Charter; and 30-A MRS §3001, pursuant to its
8 powers that authorize the town, under certain circumstances, to provide for the public
9 health and safety, and does not intend for this Ordinance to conflict with any existing
10 state or federal laws; and

11 **WHEREAS**, the voters of Kittery approved a sewer main extension project on June 13,
12 2013 which was completed in 2015 at a total cost of \$7,586,525.00; and

13 **WHEREAS**, the Council is obligated, when a sewer line construction has been
14 completed, to determine what lots or parcels of land with or without structures thereon
15 are benefited by said sewer line and estimate and assess upon said lots or parcels of
16 land and against the record owner(s) thereof or against a person, against whom the
17 taxes thereon are assessed, a sum not exceeding the benefit the Council may deem
18 just and equitable towards defraying the expenses of said sewer construction; and

19 **WHEREAS**, the usual and traditional betterment assessment provisions and practices
20 pursuant to Town Code Title 13 require revision in order to achieve a balance for the
21 assessment that may be seen as a fair and equitable cost to the owners of land so
22 benefited.

23 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN
24 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS REVISION TO TITLE
25 13 OF THE TOWN CODE, AS [*PRESENTED / AMENDED*].

26 **Approved as to form:** _____ {NAME}, Town Attorney

27 **INTRODUCED** and read in a public session of the Town Council on the ____ day of
28 _____, 20____, by: _____ {NAME} Motion to approve by Councilor
29 _____ {NAME}, as seconded by Councilor _____
30 {NAME} and passed by a vote of _____.

31 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of
32 Kittery, Maine on the _____ day of _____, 20____, {NAME}, _____ ,
33 Chairperson

34 **Attest:** {NAME}, _____ Town Clerk

KITTERY TOWN CODE TITLE 13, PUBLIC SAFETY

Article I. In General

13.1.1.11 Installation of Toilet Facilities and Connection to Public Sewer Required.

A. Owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes requiring the disposal of sewage situated within the Town and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Town, are required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line as measured along any public way. When gravity flow cannot be obtained from the building or the property, the connection to said public sewer is not required. However, this does not preclude waste flows from being pumped to the public sewer should the property owner so wish.

B. Owners of properties with a septic leach field system installed within ten (10) years of any main extension project completion date may request deferral of connection until the system has reached the ten-years after installation anniversary. Requests should be made by the property owner in writing with written documentation of installation date to the Sewer Superintendent.

Article IV. Main Extensions

13.1.4.4 Collection of Assessments and Charges.

A. All assessments and charges made pursuant to this article are to be certified by the municipal officers and filed with the tax collector for collection. A facsimile of the signatures of the municipal officers imprinted at their direction upon any certification of an assessment or charge under this article has the same validity as their signatures. The tax collector may enter into a written agreement with the owner or owners of land so assessed, which agreement is to provide for payment to the Town over a period not to exceed ~~ten-eighteen~~ (180) years of such assessment at an interest rate to be determined by the municipal officers. Such agreement is also to specify the method of collection in the event that such payment is in default and further is to be recorded by the Town in the York County registry of deeds.

B. Owners who qualify as eligible persons pursuant to Town code Title 11, General Assistance, may request deferral of payment of the assessment without penalty or additional interest incurred for the period of eligibility. Should an owner become ineligible under those provisions, the tax collector may enter into a written agreement with the owner under the same term and terms pursuant to A, above. Payment of the assessment is due in full upon demise of the owner(s); sale or transfer of any title interest in the property; and, in greater a period than the 18 years originally permitted for the assessment repayments. Deferral approvals and terms are to be recorded by the Town in the York County Registry of Deeds.

BC. The municipal officers shall annually file with the tax collector a list of installment payments due the municipality under such written agreements with the owner or owners of land so assessed.

GDd. If the person, firm or corporation so assessed within thirty (30) days after written notice of the total amount of such assessment and charges, or annual installment payment and interest, fails, neglects or refuses to pay such municipality the expense thereby incurred, or fails to enter into a written agreement as provided herein for payment of the same, or fails to pay any installment due under a written agreement so entered, then a special tax in the amount of the total unpaid assessment and charge may be assessed by the municipal assessor upon each and every lot or parcel of land so assessed and buildings upon the same, and such assessment

is to be included in the next annual warrant to the tax collector for collection, and collected in the same manner as state, county and municipal taxes are collected. Interest at a rate of twelve percent (12%) per year on the unpaid portion of assessments and charges due the municipality accrues from the thirtieth day after written notice to the person assessed, and is to be added to and become part of the special tax when committed to the tax collector.

Chapter 13.2 SEWER IMPACT FEE

13.2.2 Sewer Impact Fee Fund.

A. A sewer impact fee fund is established and is the depository for all sewer impact fees collected by the enforcing officer under the terms of this chapter. Said fund is to be segregated by the Town from general revenues and used solely and exclusively towards expenses for capital improvements to the municipal sewage treatment ~~plant made necessary by the increased development giving rise to the payment of said fees~~system.

B. The proceeds in this fund may be expended in concert with other revenues and planned expenditures or capital improvement funds of the Town but only for capital improvements to the municipal sewage treatment plant system as distinct from expenses for ~~the regular~~ maintenance and repair ~~to the existing municipal sewage treatment system~~. All moneys so accumulated in this fund are to be expended by the Town for the specific purposes stated herein within ten (10) years of their collection and deposit therein, or within the amortization period of any project bond created for the same purpose(s).

1 **AN ORDINANCE** relating to the municipality's authority for Town governance to give
2 due and proper attention to its many demands pursuant to the Town Charter, Federal
3 law, and Maine Revised Statutes, and more particularly where the Town, its officers,
4 and various of its officials, are obligated to address assessments for a voter-approved
5 sewer main extension project.

6 **WHEREAS**, the Kittery Town Council is authorized to enact this Ordinance, as specified
7 in Sections 1.01 and 2.07(3) of the Town Charter; and 30-A MRS §3001, pursuant to its
8 powers that authorize the town, under certain circumstances, to provide for the public
9 health and safety, and does not intend for this Ordinance to conflict with any existing
10 state or federal laws; and

11 **WHEREAS**, the voters of Kittery approved a sewer main extension project on June 13,
12 2013 which was completed in 2015 at a total cost of \$7,586,525.00; and

13 **WHEREAS**, the Council is obligated, when a sewer line construction has been
14 completed, to determine what lots or parcels of land with or without structures thereon
15 are benefited by said sewer line and estimate and assess upon said lots or parcels of
16 land and against the record owner(s) thereof or against a person, against whom the
17 taxes thereon are assessed, a sum not exceeding the benefit the Council may deem
18 just and equitable towards defraying the expenses of said sewer construction; and

19 **WHEREAS**, the usual and traditional betterment assessment provisions and practices
20 pursuant to Town Code Title 13 require revision in order to achieve a balance for the
21 assessment that may be seen as a fair and equitable cost to the owners of land so
22 benefited.

23 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN
24 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS REVISION TO TITLE
25 13 OF THE TOWN CODE, AS [*PRESENTED / AMENDED*].

26 **Approved as to form:** _____ {NAME}, Town Attorney

27 **INTRODUCED** and read in a public session of the Town Council on the ____ day of
28 _____, 20____, by: _____ {NAME} Motion to approve by Councilor
29 _____ {NAME}, as seconded by Councilor _____
30 {NAME} and passed by a vote of _____.

31 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of
32 Kittery, Maine on the ____ day of _____, 20____, {NAME}, _____,
33 Chairperson

34 **Attest:** {NAME}, _____ Town Clerk

**DONATIONS TO THE EMORIAL FUND
FOR COUNCIL APPROVAL
JUNE 27, 2016**

YEAR	PER	JOURNAL	EFF DATE	AMOUNT	VDR NAME/ITEM DESC	COMMENTS	
			5/5/2016	\$ 20.00	'BONNELL	KENNETH	
			5/19/2016	\$ 120.00	'KERR	DONALD & NICOLE	
			6/1/2016	\$ 300.00	KITTERY MAINE IMPROVEMENT FUND		
			6/6/2016	\$ 20.00	'BONNELL	KENNETH	
				\$ 460.00	DONATIONS FOR APPROVAL AT JUNE 27, 2016 COUNCIL MEETING		
					DEPOSITED INTO ACCOUNT 5007-43600		

Donations

The Kittery Town Council moves to accept a donation of a small refrigerator from Richard Brooks to be used at the Gate House at Fort Foster.

RECEIVED
JUN 09 2016

BY:.....

June 9, 2016

Town Of Kittery

Attn: Town Clerk, Maryann Place

200 Rogers Road Ext.

Kittery, ME 03904

Dear Sir,

We are writing to request permission to hold a Maine Lobster Clambake & Outdoor BBQ for the following week-end dates of: July 16th & 17th

July 30th & 31st

Aug 13th & 14th

Aug 27th & 28th

Sept 3rd & 4th

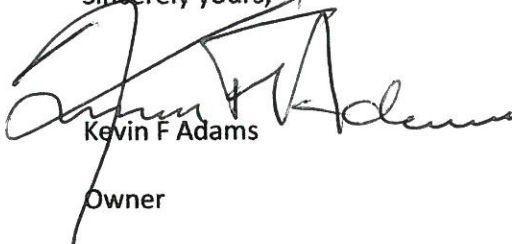
These events will take place on the north lawn at the Kittery Trading Post for its customers and employees. It is necessary to gain the Town Of Kittery's permission in order for us to receive temporary permitting from the State Of Maine to extend the bonded area to a tent outside of our normally licensed Malt & Wine serving area.

Lobster Pot License number: 16-1037 Expiration date: May, 31 2017

The Lobster Pot will have a 40" X 80" tent, sides included (will only allow guests alcohol while in the confines of the tent), as well as two or three 10" X 10" pop-up cook tents. These tents will provide our customers and employees protection from the elements as well to provide seating for them to consume their meals.

We respectfully submit this request.

Sincerely yours,



Kevin F Adams

Owner

Kittery Trading Post Shops, LLC

d/b/a The Lobster Pot



Lobster Pot License Number: 16-1037
Expiration date is 05/31/2017

The 40' x 80' tent
has sides included and our guests
will only be allowed alcohol while
in the confines of the tent.

POLICY FOR THE DISPOSITION OF TAX-ACQUIRED PROPERTY

1. Once the Town of Kittery has initiated an action of foreclosure resulting from non-payment of taxes, and once this action has been properly initiated and completed, the Town of Kittery shall adhere to the following procedure with regard to the disposition of tax-acquired properties:
2. Immediately upon the completion of foreclosure and the transfer of ownership to the Town of Kittery, the Town Manager, upon vote of Council, shall notify the former property owner(s) by certified mail, return receipt requested, that foreclosure for non-payment of taxes has occurred and that the Town of Kittery now owns said property. This notice shall be sent to the former owner's last known address, as indicated by the Town's records.
3. Said notice shall also advise that the former owner(s) has thirty (30) days from the date on which the Town's certified letter is mailed to notify the Town of Kittery of the desire to reclaim said property. The former owner(s) shall send this notification to the Town Manager via certified mail, return receipt requested.
4. If the former owner(s) does properly notify the Town of Kittery as indicated above of intent to reclaim the property, the former owner(s) shall have an additional thirty (30) days from the date on which the Town Manager receives the response to pay the necessary funds to redeem the property, unless the Council finds just cause to extend this 30-day payment date. To secure redemption, the former owner(s) shall pay to the Town of Kittery an amount of money equal to all taxes due, interest accrued on these unpaid taxes, and the Town's costs for necessary mailing and filing fees, after which the Town shall return ownership of said property to the former owner(s). It shall be the responsibility of the former owner(s) to contact the Town of Kittery to determine the amount of the payment necessary to redeem the property.
5. If the former owner(s) fails to comply with the provisions of paragraph four, the Town Council shall determine when to offer said property for sale. Generally, Council shall dispose of said property by either advertising for sealed bids or through public auction. However, Council may, on a case-by-case basis, dispose of selected properties by another method. The Town of Kittery shall so notify the former owner(s), by certified mail, return receipt requested, of its intention to do so. Regardless of the method chosen to dispose of the property, the Town may establish a minimum acceptable bid and shall include this amount in all of its advertising for sale. Specific details governing said request for sealed bids or auction shall be established by the Town Council at the same time that its members establish/approve the minimum acceptable bid. Nothing shall prohibit the former owner(s) from bidding on this property if disposed of via sealed bid or auction.

6. It is expressly noted that only the former owner(s) of said property shall be allowed to redeem it, in the manner described above, prior to the offering for sale by the Town of Kittery via sealed bid or public auction.

7. It is further expressly noted that it is not the purpose of this policy to allow individuals, partnerships, corporations or other organizations owning property within the Town of Kittery and possessing adequate resources to fund the payment of local taxes in a timely manner to profit from the non-payment of taxes and attempting to then redeem said property. It is also not the purpose of this policy to permit individual property owners suffering a hardship to ignore the relief afforded by state statutes and/or local ordinances in the form of hardship abatements or to remove the responsibility from such individuals to seek information on such programs and to file for them in a timely manner.

8. Should a question arise regarding the financial ability of an individual, partnership, corporation, or other organization to pay taxes owed in a timely manner prior to foreclosure, the Town Manager and/or the Town Council have the authority to request information, including financial information, in order to substantiate the fact that there exists a legitimate need and/or a valid reason for the non-payment of taxes in a timely manner. Should such a question arise and should such information be requested, the final decision as to whether or not a property owner qualifies for the privilege of redemption as provided by this policy shall rest with the Town Council.

Approved 2/24/92
Amended 7/28/03

rev./bb

MUNICIPAL RELEASE DEED

The TOWN OF KITTERY (the "Town"), a municipal corporation existing under the laws of the State of Maine and located in the County of York, State of Maine, releases to DSS LAND HOLDINGS LLC, with a mailing address of P. O. Box 242, York, Maine 03909-0242, any interest the Town may have in that certain lot or parcel of land with any improvements located thereon, located in the Town of Kittery, County of York and State of Maine, now or formerly owned by DSS LAND HOLDINGS LLC of York, County of York and State of Maine, and recorded in the York County Registry of Deeds in Book 7784 at Page 66 and further shown as Map 60, Lot 24-1 on the Town of Kittery Assessor's Tax Maps, as may have been acquired by the Town by virtue of any of the following Tax Lien Certificates on record in said Registry of Deeds:

1. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16693, Page 682.
2. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16877, Page 195.

The sole purpose of this Municipal Release Deed is to release to the Grantee herein any interest which the Town may have acquired in the property described in the above-referenced

parcel of land described in Book 7784, Page 66 of the York County Registry of Deeds by virtue of delinquent taxes through and including the current taxes due.

IN WITNESS WHEREOF, the TOWN OF KITTERY, acting through its municipal officers, Kenneth Lemont, Frank L. Dennett, Gary Beers, Jeffrey D. Thomson; Judith Spiller; Russell White; and Charles H. Denault Jr., has caused this Municipal Release Deed to be signed this 27th day of June, 2016.

TOWN OF KITTERY

Witness

By

Kenneth Lemont

Frank L. Dennett

Gary Beers

Jeffrey D. Thomson

Judith Spiller

Russell White

Charles H. Denault Jr.

STATE OF MAINE
YORK, ss.

June 27, 2016

Personally appeared the above-named KENNETH LEMONT FRANK L. DENNETT GARY BEERS, JEFFREY D. THOMSON, JUDITH SPILLER, RUSSELL WHITE, and CHARLES H. DENAULT, and acknowledged the foregoing instrument to be their free act and deed in said capacity and the free act and deed of the Town of Kittery, Maine,

Before me,

Print name:

Notary Public
My commission expires

\TOK-DOCS\DDS Land.Tax.Rel
459 US Route 1
York 60/24

MUNICIPAL RELEASE DEED

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1. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16693, Page 683.
2. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16877, Page 196.

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1. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16693, Page 684.
2. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16877, Page 197.

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459 US Route 1
York 60/24

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1. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16693, Page 685.
2. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16877, Page 198.

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Print name:

Notary Public
My commission expires

\TOK-DOCS\DDS Land.Tax.Rel
459 US Route 1
York 60/24

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1. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16693, Page 686.
2. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16877, Page 199.

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\TOK-DOCS\DDS Land.Tax.Rel
459 US Route 1
York 60/24

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1. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16693, Page 687.
2. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 16877, Page 200.
3. Tax Lien Certificate regarding real estate taxes assessed against DSS Land Holdings LLC and recorded in the York County Registry of Deeds, Book 17094, Page 952.

The sole purpose of this Municipal Release Deed is to release to the Grantee herein any interest which the Town may have acquired in the property described in the above-referenced parcel of land described in Book 7784, Page 66 of the York County Registry of Deeds by virtue of delinquent taxes through and including the current taxes due.

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Before me,

Print name:

Notary Public
My commission expires

\TOK-DOCS\DDS Land.Tax.Rel
459 US Route 1
York 60/24



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: June 27, 2016
From: Carol M. Granfield, Interim Town Manager
Subject: Petition to Transfer Title to Cemetery
Councilor Sponsor: Chairperson Gary Beers

EXECUTIVE SUMMARY

The First Baptist Church of Kittery Point petitioned the Town to accept title ownership of the Clarkson-Moore Cemetery on June 7, 2016 (note there is a clerical error on the date on the petition).

BACKGROUND

The First Baptist Church of Kittery Point (a non-profit corporation) is dissolving as there are only six members, and is conveying the church and surrounding land to the Bethany Church of Greenland, NH. Bethany Church does not want the cemetery. The Town has been mowing the lawn at the cemetery.

FACTS BEARING ON THE EQUATION

There are over 100 cemetery locations in the Town and the Town does not own any of them. The Town is currently mowing and performing limited maintenance on several as a result of some previous trusts and perpetual care arrangements. Upon reviewing the status of all cemeteries along with funds available and preliminary records, it is very unclear what the status is regarding funds available to continue current maintenance being performed.

CURRENT SITUATION

The petition is presented to the Town Council for action in accordance with Maine Revised Statutes Title 13, Chapter 83, §1221 attached.

PROPOSED SOLUTION/RECOMMENDATION

It is recommended that the Town not accept title ownership of the Clarkson-Moore Cemetery and further to review the status of funding of cemeteries currently being maintained on a limited basis. The records that need to be reviewed and researched are extensive and I am in the process of trying to have an intern work on this project. A recommendation will be forthcoming on the entire status of any cemetery maintenance when the research is completed.

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

It is not in the best interests of the Town to add the responsibility of owning any cemeteries. Initial finance records indicate there may be \$43,000 left to conduct maintenance on those that have had some type of agreement. An average of \$18,000 is being spent each year, however it is unclear if funding should be from the principal or interest of funds. Once the research has been conducted the Town will need to evaluate any action necessary at that time.

Petition to Transfer Title to Cemetery

The undersigned, First Baptist Church of Kittery Point, does hereby Petition the Town of Kittery in accordance with Title 13 M.R.S.A., Section 1221, to accept title ownership of the Clarkson-Moore Cemetery located northerly of School Lane and adjacent to the Petitioner's church building at the intersection of Haley Road and School Lane.

Dated at York, Maine this 7th day of June, 2013

First Baptist Church of Kittery Point

By: 

Jared Osterhout, Chairman,
Board of Trustees

Maine Revised Statutes
Title 13: CORPORATIONS
Chapter 83: CEMETERY CORPORATIONS

§1221. PROCEEDINGS

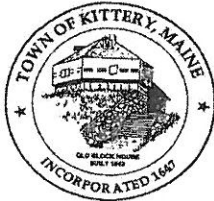
Any private cemetery or burying ground, by written agreement of all the owners thereof, recorded by the clerk of the town in which it is situated may, by vote of such town within one month after the recording of such agreement by the town clerk, become public and subject to the law relating to public cemeteries or burying grounds, provided such agreement is not in conflict with the terms of any conveyance or devise of land for the purposes of a burying ground.

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The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: June 27, 2016
From: Carol M. Granfield, Interim Town Manager
Subject: Endorsement of Seacoast Area Renewable Energy Initiative (SEAREI)
Councilor Sponsor: Chairperson Gary Beers

EXECUTIVE SUMMARY

Kittery has been asked to endorse the SEAREI effort from residents of Kittery, Eliot, South Berwick and York. This is a joint collaborative to have the ability to purchase bulk solar energy.

BACKGROUND

The attached article explains the program. There is no cost or involvement of the Town on this program, other than an endorsement to move forth with providing residents of the four seacoast communities with the opportunity to consider solar energy at reduced costs for panel and installation costs due to the joint effort.

FACTS BEARING ON THE EQUATION

The Town of Eliot has already provided an endorsement and the other two are in the process. The SEAREI has issued an RFP for installers. At the recent Town Elections there was a table with materials from SEAREI with a signup sheet for residents interested in receiving information on the Program.

PROPOSED SOLUTION/RECOMMENDATION

It is recommended the Town Council endorse this program.

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

There is no cost to the Town for the endorsement of the program. Residents interested in solar energy could ultimately save money, if after reviewing information on the costs once an installer is selected; they decide to move forth with installation at a reduced cost.

NEWS NOW

Lausberg recalled as committed coach, teammate

Crowd surrounds cop after Hampton Beach fight arrest

RENEWABLE ENERGY

Solarize Seacoast Maine launched

KEYS towns team up with solar education nonprofit



COMMENT 0

By Deborah McDermott

dmcdermott@seacoastonline.com

Follow

Posted May. 20, 2016 at 5:12 PM

Residents of Kittery, Eliot, South Berwick and York are collaborating with the Portsmouth-based Seacoast Area Renewable Energy Initiative (SEAREI) to facilitate a bulk purchase solar energy project – the first of its kind in the Seacoast.

Solarize Seacoast Maine this week sent out requests for proposals to regional solar panel installers, with the goal of embarking on the project this summer and fall. All residents in the four towns are invited to participate in the program and more than 100 have expressed interest.

A selection committee from the four towns will review the proposals and select a single contractor to administer the program. The idea behind Solarize Seacoast is that panel and installation costs are reduced as more people participate.

The program had its nexus in York, when Hilary Clark of the town's Energy Steering Committee asked the town to become involved in creating a York-only model. The Board of Selectmen demurred, expressing concern about the town getting involved in a commercial enterprise and encouraged a regional approach.

That's when Clark approached SEAREI, to see if the organization would be willing to be a partner in a regional program. SEAREI is an educational organization with a mission to spread the word about solar energy.

"SEAREI was excited to become a part of this. It fits with our mission and values," said board member and South Berwick resident John Branagan. The group agreed to become a host for the project. Due to the nature of its nonprofit status, SEAREI cannot be involved in selecting the contractor but will disseminate information about Solarize Seacoast Maine as the process evolves.

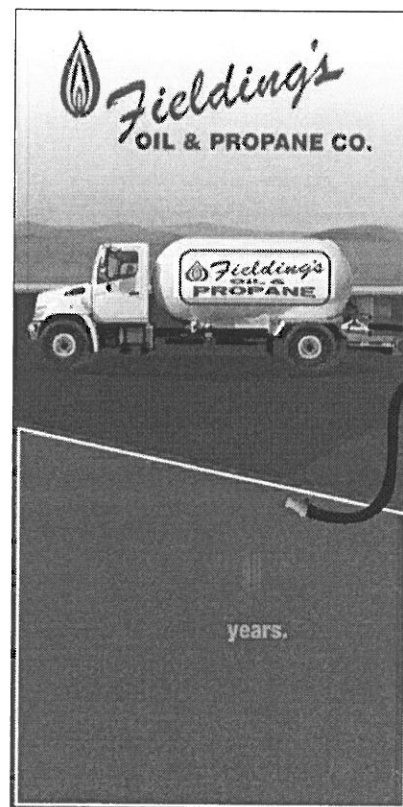
Right now, the request for proposals is available for viewing on the SEAREI website for any installer thinking of submitting an application. More information for residents will be immediately available on the SEAREI Facebook page, said Branagan.

"I love this idea so much, and everyone we've talked to thinks it's great," he said.

To date, he said, the program has been presented to town officials in South Berwick, who expressed interest in working with the group to get out the word. Eliot selectmen will hear a presentation next week.

The installer will be selected by June 27, and one of the company's duties will be to develop a website with pricing and other important information. Launch events in the four towns will take place during July, to provide interested residents with more information. The deadline to participate will be Oct. 3, and expected program completion is next May.

One uncertainty facing Solarize Seacoast Maine is the fate of "net metering" in the state – a mechanism that credits solar energy users for electricity they add to the grid. Electric utilities argue the system is unsustainable. A major solar energy bill would have, among other things, changed the system to one with payments based on long-term price agreements. However, the bill fell several votes short of an override needed to overcome Gov. Paul LePage's veto.



COUPON OF THE WEEK

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Our infamous 10, 20, 30 Special
Book out 3...
Pinewood Laser & Spa

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MORE »

Celebrate Spring with our Pinewood Laser and Spa May Specials!
Pinewood Laser & Spa

Buy One Burger Get One Burger Free
The Barley House

The Maine Public Utilities Commission, as a result, will start a mandated review of net metering. One possible outcome would be a modification that reduces compensation for new net metered customers.

Clark said this week that watching her idea for York evolve into a regional program has been gratifying. But she admits, while customers will get a 30 percent federal tax credit in addition to the bulk purchase price, certainty with Maine utilities would have been great.

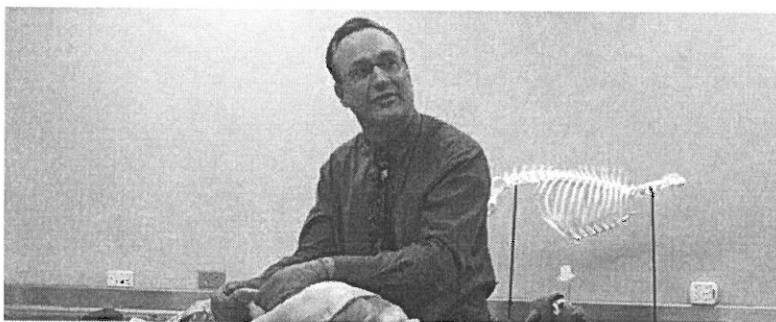
"We hope that LePage's veto of the solar bill doesn't slow this down," she said, noting recent PUC commissioners have all been appointed by LePage. "People are going to go into this with some uncertainty, and that's something we had hoped we could avoid. But we will be very transparent with them about how the system will interface with their electric bill.

"Hopefully, people will realize it's more than the money. It's doing the right thing for our planet," she said.

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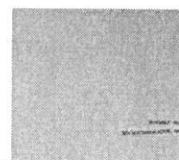
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**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 7-6-16

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☒ CLUB (Class V)

☒ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Tributary Brewing Co., LLC</u>		2. Business Name (D/B/A) <u>Tributary Brewing Co., LLC</u>	
DOB: _____		DOB: _____	
DOB: _____		DOB: _____	
Address <u>5 Winding Brooke Ln.</u>		Location (Street Address) <u>Kittery ME 03904</u>	
City/Town <u>South Berwick</u> State <u>ME</u> Zip Code <u>03908</u>		City/Town _____ State _____ Zip Code _____	
Telephone Number <u>207 384-2568</u> Fax Number _____		Business Telephone Number <u>207 703-6093</u> Fax Number _____	
Federal I.D. # <u>46-1683342</u>		Seller Certificate # _____	

EMAIL ADDRESS: galen@tributarybrewingcompany.com

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

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& Enforcement

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

9. Business records are located at: On premise

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Theodore O. D. Mott	5/1/58	New York City
Galen M. Mott	11/13/59	New York City

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Both: South Berwick, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____

Driscoll Realty Inc., Po Box 207, Kittery Point, ME 03905

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

Production brewery with tasting room + deck

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .5 miles Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Bank loans for purchase of equipment + buildout



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

**Supplemental Information Required for
Business Entities Who Are Licensees**

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

Tributary Brewing Co., LLC

2. Other business name for your entity (DBA), if any:

Tributary Brewing Co.

3. Date of filing with the Secretary of State: 10/22/12

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Theodore O.D. Mott	5 Winding Brooke Ln. South Berwick, ME 03908	5/1/58	49%
Galen M. Mott	same as above	11/13/59	51%

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

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Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐

No



10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Galen Mott

Signature of Duly Authorized Person

6/15/2016

Date

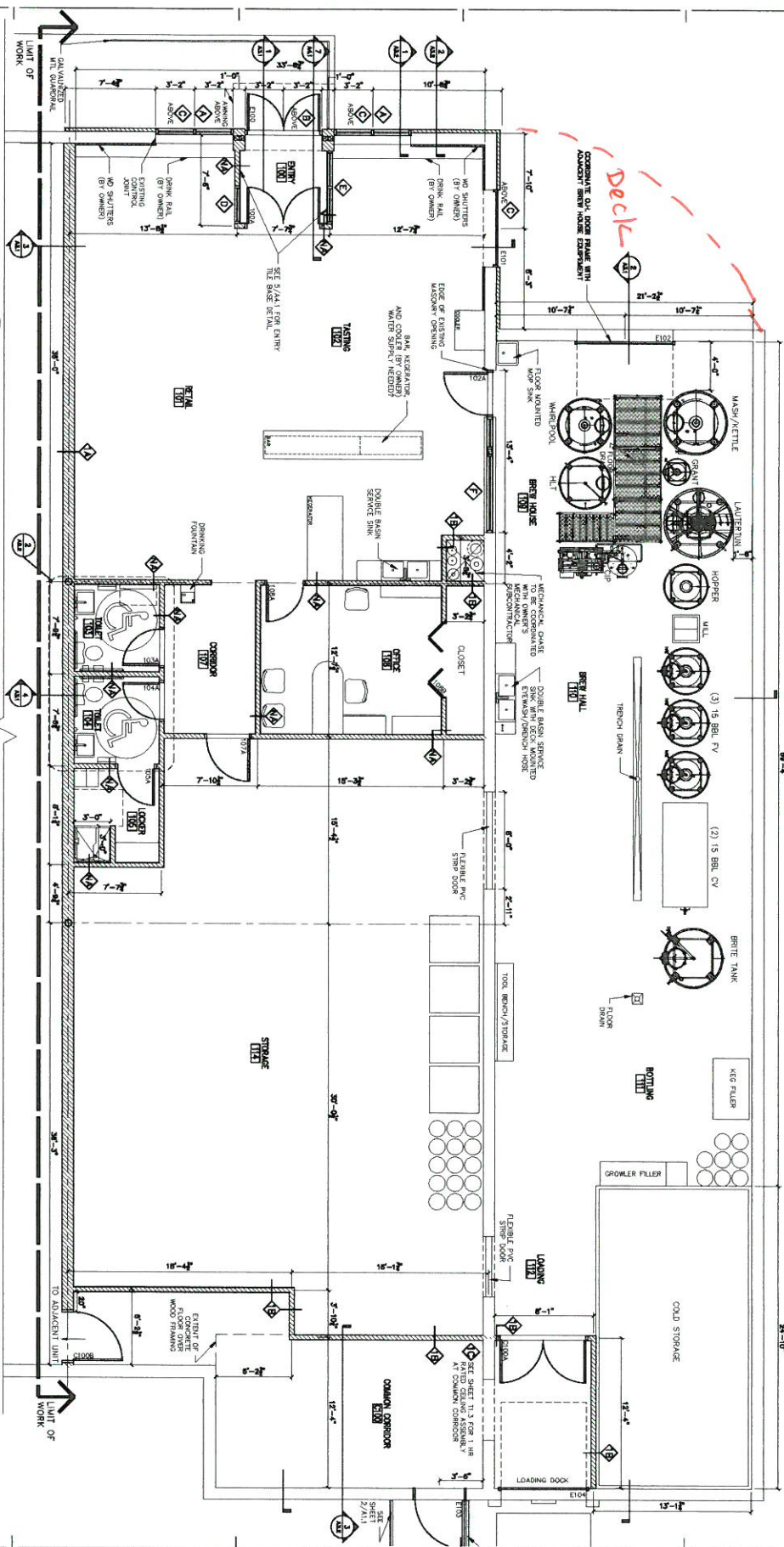
Galen Mott

Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To:

Bureau of Alcoholic Beverages and Lottery
Operations Division of Liquor Licensing Enforcement
8 State House Station Augusta, Me 04333-0008
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



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FILING FEE \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, ME on June 15, 20 16
Town/City, State Date

Galen M. Mott
Signature of Applicant or Corporate Officer(s)
Galen M. Mott
Print Name

Please sign in blue ink

Theodore O.D. Mott
Signature of Applicant or Corporate Officer(s)
THEODORE O.D. MOTT
Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

- Class I** Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.
- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.
- Class II** Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.
- Class III** Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.
- Class IV** Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.
- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.
- Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge
- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

STATE OF MAINE

Dated at: Kittery, Maine York ss
City/Town (County)
 On: 6/27/16
Date

The undersigned being: ☒ Municipal Officers ☐ County Commissioners of the
☒ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: Kittery, Maine

Hereby certify that we ~~have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and~~ herby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.